

REMARKS

The Official Action is a restriction requirement made under 35 USC 121.

The Official Action identifies three inventions, i.e., Invention I (claims 15-24, 33 and 34); Invention II (claims 25-27); and Invention III (claims 28-32).

As required by the Official Action, applicant provisionally elects Invention I, with traverse.

The traverse is with respect to claims 28-32, identified as Invention III. Applicant respectfully disagrees with the Official Action that the sample holder can be made without forming apertures. Regarding claim 15, the apertures are a necessary element of the claim because the sample holder is made of an electrically insulating material but the receiving regions on one side of the holder plate have to be electrically connected to the electrical contact location on the other side of the holder plate.

The fact that the apertures are filled in with a material which performs the electrical connection between the receiving regions and the electrical contact locations does not eliminate the necessity that the apertures have to be produced in a method of producing the sample holder (claim 28). Put in another way, a sample holder which would be made without forming apertures as mentioned in the Official Action would not have a structure according to claim 15.

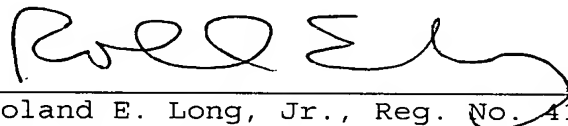
Additionally, the process as claimed in claim 28 cannot be used to make another and materially different product than that claimed in claim 15. Thus, Inventions I and III are not distinct. As noted above, the process as claimed cannot be used to make another and materially different product than that of claim 15 and the product as claimed cannot be made by another and materially different process than that claimed. Since the Official Action is incorrect in that the sample holder cannot be made without forming apertures, Inventions I and III should not be restricted from each other.

In view of the above, reconsideration of the restriction requirement is respectfully requested and consideration of claims 28-32 is solicited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Roland E. Long, Jr., Reg. No. 41,949  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

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